

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 217

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION
3 67-5292, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SUNSET REVIEW
4 OF ADMINISTRATIVE RULES; AND DECLARING AN EMERGENCY AND PROVIDING AN
5 EFFECTIVE DATE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-5292, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-5292. PERIODIC REVIEW SUNSET OF ADMINISTRATIVE RULES. (1) Each
10 rule chapter that is in effect on July 1, 2026, shall ~~be reviewed by the leg-~~
11 ~~islature sunset~~ on a staggered, periodic schedule between July 1, 2026, and
12 June 30, 2034, and on a similar schedule each eight (8) years thereafter. The
13 ~~review sunset~~ schedule shall be established by the office of the administra-
14 tive rules coordinator, and the schedule shall be posted on its website and
15 on the cover page of each rule chapter no later than January 1, 2026.

16 (2) Prior to the review sunset date for each rule chapter, as estab-
17 lished ~~in the review schedule~~ pursuant to subsection (1) of this section, if
18 an agency intends to renew such chapter, the promulgating agency shall pre-
19 pare a report statement for the legislature that states the statute or fed-
20 eral regulation the rule is intended to implement and whether the substan-
21 tive content in the rule chapter is still necessary, and, ~~if it is determined~~
22 ~~to be necessary so~~, the rationale for such determination and any evidence to
23 justify its benefits relative to its costs. In addition, the agency shall
24 ~~report state~~ whether the necessary substantive content would be more appro-
25 priately integrated into Idaho Code as opposed to remaining as a separate ad-
26 ministrative rule. In consideration of such ~~report~~ statement, the promul-
27 gating agency shall consider:

28 (a) The benefit of having all related requirements in a single location
29 in Idaho Code;

30 (b) The frequency with which the substantive content of the administra-
31 tive rule has been updated in the prior five (5) years and the antici-
32 pated frequency of updates in the near future; and

33 (c) The cost of publishing and maintaining the administrative rule in
34 the Idaho administrative code and bulletin; and

35 (d) The expected cost to the agency to monitor and enforce the substance
36 of the rule.

37 SECTION 2. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 July 1, 2025.